

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X

FANESS FRANCE,

Plaintiff,

-against-

VIACOM INC., 15125 Broadway New York
New York, SUMNER REDSTONE; ETHAN
GOLDMAN; JOE NEWFIELD; ROBIN E.
SILVERMAN; MALLORY D. LEVITT;
SELENE H. COSTELLO; COPYRIGHT
INFRINGEMENT from "Vintage Soul" for
"Say It Loud," and Corruption & co-conspirators
ESPN Sports - "Vintage NBA," Rhino Records-
"Say It Loud" CD's; OPRAH WINFREY -
"Vintage Oprah," QUINCY JONES -"Say It
Loud"; BET - Black Entertainment Television -
"Vintage BET"; MALLORY D. LEVITT &
ERIC BEYER, Trademark (corruption)-
"Vintage Soul" (wetsuit store) and the NAACP,
JULIAN BOND Chairman & Assistant, JASMINE
POWELL - Corruption

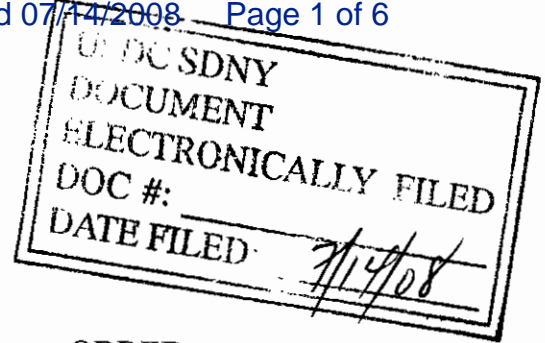
Defendants.

X

LORETTA A. PRESKA, United States District Judge

By order dated June 26, 2007, the Court dismissed plaintiff's complaint. Plaintiff appealed. In a mandate issued February 11, 2008, the United States Court of Appeals for the Second Circuit remanded the instant matter to this Court with instructions to afford plaintiff an opportunity to amend his complaint. See France v. Viacom, Inc. et al., No. 07-3344, Mandate (2d Cir. Feb. 11, 2008) (denying leave to add new defendants).

Accordingly, the Clerk of Court is directed to re-open this matter. Plaintiff is directed to submit an amended complaint curing the defects in his complaint that were identified in the Court's June 26,



ORDER

07 Civ. 6040 (LAP)

2007 order. Should plaintiff decide to file an amended complaint, it must be submitted to this Court's *Pro Se* Office within sixty (60) days of the date of this order, be captioned as an "Amended Complaint" and bear the same docket number as this order.¹ Plaintiff is advised that the amended complaint will completely replace the original complaint. A copy of this order must be attached to the amended complaint. No summons shall issue at this time and all further proceedings shall be stayed for sixty (60) days or until plaintiff has complied with this order. If plaintiff fails to comply with this order within the time allowed, the complaint will be dismissed. Once submitted, the amended complaint shall be reviewed for compliance with this order and substantive sufficiency and then, if proper, a summons shall be issued in accordance with the procedures of the Clerk's Office. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED


LORETTA A. PRESKA
United States District Judge

Dated: JULY 14, 2008
New York, New York

¹An amended complaint form is attached to this order for plaintiff's convenience.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

____ Civ. ____ () ()

**AMENDED
COMPLAINT**

Jury Trial: ☐ Yes ☐ No
(check one)

I. Parties in this complaint:

- A. List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name _____
Street Address _____
County, City _____
State & Zip Code _____
Telephone Number _____

- B. List all defendants. You should state the full name of the defendant, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____
 Telephone Number _____

Defendant No. 2 Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____
 Telephone Number _____

Defendant No. 3 Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____
 Telephone Number _____

Defendant No. 4 Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____
 Telephone Number _____

II. Basis for Jurisdiction:

Federal courts are courts of limited jurisdiction. Only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case.

A. What is the basis for federal court jurisdiction? (*check all that apply*)

☐ Federal Questions

☐ Diversity of Citizenship

B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue? _____

C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state(s) of citizenship _____

Defendant(s) state(s) of citizenship _____

III. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. Where did the events giving rise to your claim(s) occur? _____

B. What date and approximate time did the events giving rise to your claim(s) occur? _____

C. Facts: _____

What
happened
to you?

Who did
what?

Was anyone
else
involved?

Who else
saw what
happened?

IV. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. _____

